

The United States District Court
Eastern District of New York

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Do, Vu

Plaintiff,

Against

U.S. Department of Justice
Drug Enforcement Administration

Defendant.
-----x

Index No. 1:15-CV-3553

DEA Case Number: CJ-15-0018

COMPLAINT

The Plaintiff Do, Vu, by his attorneys, Roberts & Roberts, 401 Broadway, New York, New York 10013, complaining of the respondent, alleges as follows:

1. The Plaintiff Do, Vu, is a resident of New York, having an address at 2458 Arthur Avenue, #A, Bronx, NY 10458.
2. The Defendant Drug Enforcement Administration, is a Federal agency with its Head Quarters located at 8701 Morrisette Drive, Springfield, Virginia 22152.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of the action under 28 U.S. Code § 1355, in that this case is for the recovery or enforcement of any fine, penalty, or forfeiture of seized property by an agency of the Federal government, i.e. Drug Enforcement Administration.
4. The venue is proper under 28 U.S. Code § 1395(a), because the property is seized in Jamaica, NY by an agency of the Federal government, i.e. Drug Enforcement Administration.

AS AN FOR A FIRST CAUSE OF ACTION

5. The Plaintiff seeks to return \$43, 923.00 seized at Kennedy Airport, NY, by the Drug Enforcement Administration on February 19, 2015.

6. The property seized represented savings of the Plaintiff, which had been accumulated over the course of twenty years.

7. The Plaintiff operated two nail salons in New York City at Lennox Avenue and 124th Street and Lexington Avenue.

8. At no time, has the Plaintiff Vu Do been arrested or convicted of any misdemeanor or felony, or charged under the Controlled Substances Act.

9. At no time, has the Plaintiff Vu Do used, sold, bought any narcotics or been involved in the sale of any illicit substance.

10. At the time of the seizure on February 19, 2015, the Plaintiff was boarding a plane to California to visit his brothers who had recently suffered financial losses.

11. The Plaintiff had \$43, 923 in cash for the sole purpose of lending it to his family.

12. The seizure of said funds by DEA and/or its agents has caused great hardship, not only to the Plaintiff but to his family.

13. The Plaintiff did not know that it was a violation of Federal regulations to carry cash in excess of \$5,000 at the time of the seizure.

14. The Plaintiff never violated the Controlled Substances Act(Title 21 U. S. C. Sections 801 et Seq.)

15. At the time of the seizure, the Plaintiff received the Asset ID Number.: 15-DEA-609520, and the Case Number: CJ-15-0018. A copy of the Notice from U.S. Department of Justice is attached hereto as Exhibit A.

16. The Defendant is improperly in possession of the plaintiff's Chattel,
i.e. \$43, 923.00.

17. The Plaintiff demands that this court issue a writ of replevin, returning the seized money in the amount of \$ 43, 923.00 to the Plaintiff or in the alternative the court should issue an order that the Defendant pay the Plaintiff the sum of \$ 43, 923.00.

AS AN FOR A SECOND CAUSE OF ACTION

18. The Plaintiff hereby repeats and re-alleges each and every allegation of this complaint numbered #1 through #17, with the same force and effect as if more fully set forth herein.

19. The Defendant has wrongfully converted the sum of \$43, 923.00 and deprived the Plaintiff of the possession of the property, which he owns, has worked for, and to which he is entitled.

20. The property which the Defendant has converted is \$43, 923.00 in US currency.

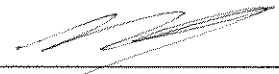
21. The Plaintiff has made a demand on the Defendant to return the property and the Defendant has refused to return it.

22. The Plaintiff has been damaged in the sum of \$ 43, 923.00.

WHEREFORE, the Plaintiff requests a writ of replevin and the immediate return of the converted property; release of the converted property during the pendency of this action; together with interests and such other and further relief this court may deem just and proper.

Dated: New York, New York
June 17, 2015

Roberts & Roberts


By: Michael Roberts, Esq.

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